

ACT 44

AN ACT TO PROVIDE FOR THE ENCOURAGEMENT AND PROTECTION OF AGRICULTURE, HORTICULTURE AND FORESTRY.

Be it Enacted by the Legislature of the Territory of Hawaii:

DEFINITION.

Section 1. Whenever in this Act the word "Board" is used it shall refer and mean the Board of Commissioners of Agriculture and Forestry, by this Act provided for.

APPOINTMENT OF COMMISSIONERS.

Section 2. There shall be a Board of Commissioners of Agriculture and Forestry of five members, who shall be appointed by the Governor by and with the advice and consent of the Senate. The Superintendent of Public Works of the Territory shall be *ex officio* a member of said Board, with the same powers and duties herein prescribed for the other members of said Board, except as otherwise herein provided. One of said Commissioners shall be appointed to hold office for one year, one for two years, one for three years, one for four years, and one for five years from January 1st, 1904. Upon the expiration of the respective terms of the said Commissioners, their respective successors shall be respectively appointed for a term of five years. Upon a vacancy occurring in said Board, a Commissioner shall be appointed to fill such vacancy for the remainder of the unexpired term.

ORGANIZATION OF BOARD.

Section 3. Immediately upon their appointment the Commissioners shall elect one of their members President and another Secretary of the Board. The Board shall have power to, from time to time, change its officers. A majority of the members of said Board shall constitute a quorum thereof with power to transact any business within the powers or jurisdiction of the Board.

EXPENSES OF BOARD.

Section 4. The members of the Board appointed under this Act, shall serve without pay. The Superintendent of Public Works shall receive no pay for services performed by him under the terms of this Act other than the salary appropriated by the Legislature for his said office of Superintendent of Public Works. The Board shall be entitled to pay the traveling expenses within the Territory of its members, when actually engaged in business relating to the work of the Commission, and also all cost of postage, stationery, correspondence, records, printing, and other expenses necessarily or properly incidental to the business of the Board.

DUTIES OF THE BOARD.

Section 5. It shall be the duty of the Board:

(1) *Information, and Statistics.* To gather, compile, tabulate, furnish and publish, from time to time, information and statistics.

(a) *Forestry.* Concerning the area, location, character and natural and artificial increase of forests, and the natural, artificial and accidental decrease of the same, in the Territory of Hawaii, and to prepare and publish maps illustrating the same as far as possible;

And also concerning the best kinds of trees, plants and shrubs to plant in different localities, suggestions for the care and propagation of trees and shrubs both from an economic and an ornamental standpoint, and other useful information of a similar character, which the Board in its discretion may deem proper.

(b) *Entomology and Plant Pathology.* Concerning insects, scales, blights and diseases injurious, or liable to become injurious, to trees, plants or other vegetation, the ways and means of exterminating such pests and diseases aforesaid as are already in the Territory and preventing the introduction of those not yet here.

(c) *General Agriculture.* Concerning fruits, fibers, and useful or ornamental plants and their introduction, development and care, and concerning the manufacture or exportation of the same with a view to introducing, establishing and fostering new and valuable plants and industries.

(d) *Co-operation with other Organizations.* The Board shall in all respects endeavor, as far as possible, to encourage, work in harmony and co-operate with, the Federal Agricultural Experiment Station established in this Territory, and with all private persons or organizations doing work of an experimental or educational character, coming within the scope of the subject matters of this Act, and to avoid, as far as practicable, duplicating the work of such person or organization.

(2) *Library.* To secure copies of the laws of other states, territories and countries, and other publications germane to the subject matters of this Act, and make the same available for public information and consultation.

(3) *Rules and Regulations.* To make rules and regulations, and to amend the same from time to time in their discretion, subject to the approval of the Governor, for and concerning the introduction, transportation and propagation of trees, shrubs and plants and the preservation, protection, extension and utilization of forests and forest reserves, both natural and artificial; for the quarantine, inspection, fumigation, disinfection, exclusion or destruction, either upon introduction into this Territory, or at any time or place within the Territory, of any soil, nursery stock, tree, sugar cane, shrub, plant, flower, vine, cutting, graft, don, bud, seed, root, fruit 'pit, fruit, vegetable, leaf, nut, or other vegetable growth or other substances, and any box, barrel, package or packing material or containers in which said articles or any of them have been transported or contained which is or may be infected with or liable to assist in the transmission or dissemination of any insect, blight, scale or disease injurious, or liable to become injurious to trees, plants or other vegetation of value.

Included therein may be rules and regulations governing the shipping between the different islands of this Territory of any or all of the nursery stock, trees and other articles in this sub-section herein above enumerated. And also with power to prohibit the importation into the Territory from any or all foreign countries, or other parts of the United States, or the shipment from one island within the Territory to another island therein, of any specific article, or class of articles above enumerated, which are liable to introduce or disseminate, or assist in the introduction or dissemination of any insect, blight, scale or disease, injurious, or liable to become injurious to trees, plants, or other vegetation of value. All rules and regulations made as aforesaid shall have the force and effect of law.

(4) *Superintendent of Forestry Department.* To appoint a Superintendent of Forestry, who shall have charge, direction and control (subject to the direction and control of the Board) of all matters relating to forestry, mentioned in or coming within the scope of this Act, and such other matters as the Board may from time to time direct; and who shall be paid such salary as may be appropriated by the Legislature.

Foresters. To appoint and commission in each district of the Territory, one or more foresters, and the same at their pleasure to remove, who shall serve without pay, to assist the Board to carry out the terms and intent of this law. Said Superintendent of Forestry shall be a trained and educated forester, who shall have made the subject of forestry a special study, and if such a man is available, one who has had practical training and experience in connection with forestry in a tropical country.

Assistants and Rangers. To appoint, remove and fix the compensation of assistant Foresters and Forest Rangers, who shall have police powers in and concerning all matters relating to or connected with forests or forest reservations and the enforcement of any of the provisions of this Act, and such other persons as the Commission may employ.

(5) *Care of Forestry Reservation.* To have the care, custody, control and regulation of all lands which may be set apart as forest reservations, under the terms of this Act.

(6) *Protection of Forests and Water Supply.* To devise ways and means of protecting, extending, increasing and utilizing the forests and forest reserves, more particularly for protecting and developing the springs, streams and sources of water supply, so as to increase and make such water supply available for use.

(7) *Self-support of Forests.* To devise and carry into operation, ways and means by which forests and forest reservations can, with due regard to the main objects herein set forth, be made self-supporting in whole or in part.

(8) *Fencing and Exclusion of Stock.* To secure as speedily as possible, either by private co-operation or by public appropriation, the erection and maintenance of fences to exclude live stock from forest reservations, and the removal from such reservations of the live stock running thereon, including the killing the same if necessary.

RESERVATION OF GOVERNMENT LAND FOR FORESTRY PURPOSES.

Section 6. The Governor may, with the approval of a majority of the Board, after a hearing or hearings, as hereinafter provided, from time to time set apart any Government land or lands not then under lease, or on which there is a lease of two years or less, as forest reservations. Any lands so set apart shall not thereafter be leased or sold by the Government, or used in any way or for any purposes inconsistent with this Act, except by law fully enacted by the Legislature.

Section 7. In all cases (not including roads and city lots), in which it shall be proposed under the provisions of Section 178 or

255 of the Civil Laws, by any person or official that any public land or any interest therein, shall be disposed of either by way of quit-claim, sale, exchange, compromise or equitable settlement, no action shall be taken on such matter until the same shall first have been referred to and approved. by the Board, which, on receiving notice of any such proposed action, shall fully consider the same. If the Board shall then disapprove the proposed action it shall notify the Governor accordingly and such proposed action shall not be taken.

NOTICE OF HEARING.

Section 8. Before setting apart any Government lands under this section, the Governor shall give not less than fourteen days' notice, by advertisement in not less than two newspapers published in this Territory, of intention to consider the setting apart of government land for forestry reservations under this Act, which notice or notices shall contain the name or names of the Island or Islands and of the district or districts in which the proposed forest reservation or reservations are located, and shall further appoint a time or times, place or places, for hearing evidence and arguments, either for or against the setting apart of said proposed forest reservations under this Act.

HEARINGS.

Section 9. At the time and place named for any such hearing or hearings a full hearing shall be given by the Governor and the Board, to all who desire to be heard upon the subject matter of the said notice. The hearing or hearings held in pursuance of said notice or notices shall be public, and shall be conducted under such rules and regulations as the Governor in his discretion may direct. Any such hearing may be continued, postponed or adjourned to such time or times, place or places as the Governor may direct.

VESTED RIGHTS.

Section 10. Provided, however, that nothing herein contained shall be held to in any way interfere or conflict with any vested rights under or arising out of any grant, grants, lease or leases, license or licenses, of or concerning, any government land or water rights, or rights of way, heretofore made. Nor shall anything herein contained be construed to change any rights in or concerning any water upon or flowing from or through any land set apart or surrendered as a forest reserve, or as depriving or limiting any Territorial officer from exercising any existing. power or authority or any power which may hereafter be created to deal with said water or water rights, or rights of way.

FOREST RESERVE ON PRIVATE LANDS.

Section 11. Any person or persons, corporation or corporations, may at any time surrender to the Government the care, custody and control of any lands, whether held under lease or in fee, as a forestry reservation, either for one or more years, or forever. No taxes shall be levied or collected upon any private lands so surrendered for the purposes aforesaid, so long as the same shall remain exclusively under the control of the Gov. eminent as a forestry reservation.

SPECIAL FORESTRY FUND.

Section 12. In case any moneys shall accrue from any forestry reserve, or the products thereof, the same shall be deposited in the Treasury as a special fund for the preservation, extension and utilization of forests and forest reserves, and the same shall be there held available for use under this Act, subject to withdrawal and use in the same manner as moneys appropriated by the Legislature.

Approved this 25th day of April, 1903.

SANFORD B. DOLE,
Governor of the Territory of Hawaii